

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
DECEMBER 7, 2007
THOMAS K. KAHN
CLERK

No. 07-10376
Non-Argument Calendar

D. C. Docket No. 03-22726-CV-JLK

SHELL MALBRANCHE,
EDDY GEDEON,

Plaintiffs-Appellants,

versus

ART HALL PROTECTION SERVICES, INC.,
ARTHUR HALL,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(December 7, 2007)

Before TJOFLAT, BIRCH and DUBINA, Circuit Judges.

PER CURIAM:

The district court, in an order entered on December 20, 2006, granted defendants' motion for summary judgment, thus dismissing plaintiffs' claims for overtime compensation under the Fair Labor Standards Act. Plaintiffs now appeal, contending that the existence of genuine issues of material fact precluded summary judgment. They also contend that the court erred in granting summary judgment on the basis of accord and satisfaction, a defense not pled in defendants' answer or preserved by the pretrial order.

The district court stated in its December 20 order that, given its summary disposition of plaintiffs' claims, "it is unnecessary for this Court to address Accord and Satisfaction." Plaintiffs' argument that the court based its order on such defense therefore fails. As for the existence of material facts precluding summary judgment, we find none for the reasons stated by the district court in its December 20 order.

AFFIRMED.